IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.4545 of 2006

Ram Bhagatram Gangwani Applicants

Vs.

State of Maharashtra Respondent

Mr.R.C.Sequeira for applicant.
Dr.S.S.Tatkar, APP for State.
Ms.Kirti Dabir for complainant.

CORAM: B.H.MARLAPALLE,J.

January 11, 2007.

P.C.

. Heard the learned counsel for the applicant and the learned APP. This is an application for anticipatory bail and briefly stated the facts are that on 20/6/2006 an FIR came to be registered against the applicant for the offences punishable under Sections 380 and 454 of IPC on the complaint filed by his elder brother. Apprehending arrest he approached the Sessions Court in Anticipatory Bail Application No.166 of 2006 and interim bail was granted on 22/6/2006 and it was finally disposed off by confirming the interim bail by the order dated 1/11/2006.

. It appears, subsequently the FIR was amended

so as to add the offences punishable under Sections 467 and 471 of IPC and solely on the amendment of the FIR the anticipatory bail granted to the applicant came to be cancelled by the learned Addl. Sessions Judge by his order dated 12/12/2006. This approach of the Sessions Court undoubtedly is hyper technical.

. The allegations made against the applicant are that he submitted some false documents to the Sales Tax authorities as well as the Municipal Corporation of Brihan Mumbai and all these alleged bogus or forged documents are already in the custody of the Investigating Officer. It was, therefore, necessary for the Sessions Court to examine whether the applicant's custodial interrogation was required in the facts of this case and undoubtedly the learned Addl. Sessions Judge misdirected himself and the anticipatory bail granted has been cancelled by noting that the said benefit was granted in favour of the applicant by making it clear that the protection of anticipatory bail shall not extend to the offence of forgery if the same would appear to have been committed the applicant.

. The dispute is between the applicant and his

younger brother and prima facie it appears to be arising from the family business concerns. Substantially the dispute between the parties is of civil nature and they have civil remedies available. Hence this is a fit case where the anticipatory bail granted to the applicant is required to be continued.

. In the premises this application succeeds and it is directed that in the event the applicant is taken in custody by the I.O. from Shivaji Park Police Station in connection with C.R. No.159 of 2006, he shall be released on bail on furnishing PR bond in the sum of Rs.25,000/- or in the alternate by furnishing cash surety in the like amount. Undoubtedly the applicant shall be available for interrogation as and when required by the concerned I.O.

(B.H